

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
AUGUSTINE SANTOS-VASQUEZ,)
)
Defendant.)

CASE NO. CR05-223 MJP

DETENTION ORDER

Offenses charged:

Count I: Distribution of Heroin, in violation of Title 21, U.S.C., Sections
841(a)(1) and 841(b)(1)(B);

Count II: Distribution of Cocaine, in violation of Title 21, U.S.C., Sections
841(a)(1) and 841(b)(1)(C).

Date of Detention Hearing: June 6, 2005.

The Court, having conducted a an uncontested detention hearing pursuant to Title
18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for
detention hereafter set forth, finds that no condition or combination of conditions which the
defendant can meet will reasonably assure the appearance of the defendant as required and
the safety of any other person and the community. The Government was represented by

1 Lisca Borichewski. The defendant was represented by Tom Hillier.

2 The Government filed a Motion for Detention, to which the defense stipulated.

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4 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

5 (1) There is probable cause to believe the defendant committed the drug
6 offense. The maximum penalty is in excess of ten years. There is
7 therefore a rebuttable presumption against the defendant's release based
8 upon both dangerousness and flight risk, under Title 18 U.S.C. §
9 3142(e).

10 (2) Nothing in this record satisfactorily rebuts the presumption against
11 release for several reasons:

12 (a) The defendant is viewed as a risk of non-appearance as he is a
13 citizen and national of Mexico who is in the United States
14 illegally; his background and ties to this district are unknown or
15 unverified; there is an active warrant for his arrest; and BICE has
16 filed a detainer.

17 (b) The defendant poses a risk of danger to the community given his
18 unknown/unverified background and nature of the instant offense.

19 (c) The defendant stipulated to detention.

20 (3) Based upon the foregoing information which is consistent with the
21 recommendation of U.S. Pre-trial Services, it appears that there is no
22 condition or combination of conditions that would reasonably assure
23 future Court appearances and/or the safety of other persons or the
24 community.

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It is therefore ORDERED:

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 9th day of June, 2005.



MONICA J. BENTON
United States Magistrate Judge